

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

In re GOOGLE DIGITAL PUBLISHER
ANTITRUST LITIGATION

No. 5:20-cv-08984-BLF

**MODIFIED ORDER APPOINTING
INTERIM CO-LEAD CLASS
COUNSEL FOR PUBLISHER CLASS**

Courtroom: 3, 5th Floor, San Jose
Judge: Hon. Beth Labson Freeman

The Court, having the Motion for Appointment of Interim Co-Lead Publisher Class Counsel filed by Plaintiffs Genius Media Group, Inc., Sterling International Consulting Group, The Nation Company, L.P., The Progressive, Inc., Sweepstakes Today, LLC, JLaSalle Enterprises LLC, and Mikula Web Solutions, Inc. (collectively, “Publisher Plaintiffs”), and for good cause shown, GRANTS the motion and ORDERS as follows:

1. Pursuant to Federal Rule of Civil Procedure 23(g)(3), the Court appoints Boies Schiller Flexner LLP, Korein Tillery LLC, and Berger Montague PC as Interim Co-Lead Publisher Class Counsel for the proposed Publisher Class in *In re Google Digital Publisher Antitrust Litigation*, Case No. 20-cv-08984.

2. In addition to Interim Co-Lead Publisher Class Counsel, the Court designates the law firms of Kirby McInerney LLP and Gustafson Gluek PLLC to serve along with Interim Co-Lead Publisher Class Counsel as members of the Publisher Class Leadership Committee. The Publisher Class Leadership Committee shall perform the functions of the litigation as directed by the Interim Co-Lead Publisher Class Counsel.

3. If Judge Freeman determines that a subsequently filed publisher case is related to the above-captioned case, Lead Counsel shall mail or send via electronic mail a copy of this Order to the attorneys for the parties in that case. Upon a finding of relation, the higher numbered action shall be deemed consolidated to the above-captioned case unless an objection is filed within 14

1 days of notice to counsel for plaintiffs in the newly filed or newly transferred action and the
2 objection is sustained.

3 **AUTHORITY AND RESPONSIBILITIES**

4 4. Interim Co-Lead Publisher Class Counsel have sole authority over all matters
5 concerning the prosecution of the case on behalf of the Publisher Plaintiffs and the proposed
6 Publisher Class in the consolidated case, including: (a) coordinating all proceedings, including
7 preparing, structuring, and presenting pretrial and other case management orders; (b) convening
8 meetings of counsel; (c) coordinating, as appropriate, with counsel for advertiser plaintiffs; (d)
9 communicating with defense counsel; (e) the initiation, response, scheduling, briefing and
10 argument of all motions; (f) the scope, order and conduct of all discovery proceedings; (g)
11 assigning non-duplicative work to be performed by other plaintiffs' counsel as appropriate; (h)
12 retaining experts; (i) appearing on behalf of the proposed publisher class at all court conferences,
13 hearings, and trial; (j) the timing and substance of any settlement negotiations and settlement; and
14 (k) allocating any attorneys' fees awarded by the Court among the various counsel doing work on
15 the publisher case.

16 5. Interim Co-Lead Publisher Class Counsel have full authority over, and
17 responsibility for: (1) assigning work to other counsel for the Publisher Plaintiffs, as may be
18 appropriate and in the putative Publisher Class's best interest; (2) implementing time and expense
19 record keeping policies; (3) collecting time and expense reports from all Publisher Plaintiffs'
20 counsel on a quarterly basis; (4) acting as the treasurer for any litigation fund assessments and
21 expenses; and (5) otherwise ensuring that Publisher Plaintiffs' counsel not perform common
22 benefit work, bill for unnecessary read and review time, or attend hearings, depositions, or other
23 events without Interim Co-Lead Publisher Class Counsel's authorization.

24 **FEES, COSTS, AND EXPENSES**

25 6. Interim Co-Lead Publisher Class Counsel will be vigilant in ensuring the efficient
26 and economical prosecution of this matter, including by complying with the proposed Protocol for
27 Interim Class Counsel's Time and Expense Submissions, if and when the proposed Protocol for
28 Interim Class Counsel's Time and Expense Submissions is approved by the Court.

CHANGES IN LAW FIRM COMPOSITION

7. In the event that any attorney identified as part of the “principal BSF team” or “principal KT litigators” team, *see* ECF 69, leaves their respective law firm during the pendency of these cases, counsel shall immediately advise the Court so that the Court can evaluate the make-up of the leadership team.

IT IS SO ORDERED.

Dated: April 26, 2021



Hon. Beth Labson Freeman
UNITED STATES DISTRICT JUDGE